

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAMES GORMLEY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MAGICJACK VOCALTEC LTD.,
GERALD VENTO, and JOSE GORDO,

Defendants.

Case No. 1:16-cv-01869

Hon. Victor Marrero

**LEAD PLAINTIFF'S NOTICE OF
UNOPPOSED MOTION FOR (I)
PRELIMINARY APPROVAL OF
SETTLEMENT, (II) CERTIFICATION OF THE
SETTLEMENT CLASS, AND (III) APPROVAL
OF NOTICE TO THE SETTLEMENT CLASS**

**TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR COUNSEL OF
RECORD:**

PLEASE TAKE NOTICE that Plaintiff James Gormley and Lead Plaintiff Samuel Saad Revocable Trust ("Plaintiffs"), by and through their counsel, will and hereby do move this Court, under Rule 23 of the Federal Rules of Civil Procedure, for entry of an order: (i) preliminarily approving the proposed Settlement; (ii) certifying the proposed Settlement Class, certifying Plaintiffs as class representatives, and appointing Lead Counsel as class counsel for purposes of the Settlement; (iii) approving the form and manner of giving notice of the proposed Settlement to Settlement Class Members; and (iv) scheduling a hearing to consider final approval of the Settlement and approval of the Plan of Allocation and Lead Counsel's motion for an award of attorneys' fees and reimbursement of litigation expenses.

Plaintiffs' motion is supported by the Stipulation of Settlement dated September 20, 2017 (filed herewith as Docket No. 54), including the exhibits attached thereto, and the accompanying

brief in support. Attached hereto is the parties' agreed-upon Proposed Order granting Plaintiffs' motion.

Dated: September 28, 2017

Respectfully submitted,

LEVI & KORSINSKY, LLP

/s/ Adam M. Apton

Nicholas I. Porritt

Adam M. Apton

30 Broad Street, 24th Floor

New York, NY 10004

Tel: (212) 363-7500

Fax: (212) 363-7171

*Attorneys for Lead Plaintiff Samuel Saad Revocable
Trust and Lead Counsel for the Proposed Class*